

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOSEPH VAN DAM,)	
)	
Plaintiff,)	
)	
v.)	1:22-cv-00120-JAW
)	
DR ROWE, et al.,)	
)	
Defendant.)	

**ORDER AFFIRMING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

On May 18, 2022, the United States Magistrate Judge issued a decision recommending that the Court dismiss Joseph Van Dam's Complaint pursuant to a review under 28 U.S.C. § 1915A. *Recommended Decision After Review of Compl.* (ECF No. 2) (*Recommended Decision*); *see also Compl.* (ECF No. 1). No objection having been filed to the Magistrate Judge's Recommended Decision, the Court Affirms the Recommended Decision

The Court reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; the Court has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and the Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determines that no further proceeding is necessary.

In affirming the Recommended Decision, the Court emphasizes the Magistrate Judge's observation that the use of racially derogatory language, assuming it is

occurring, is “unprofessional and deplorable.” *Recommended Decision* at 4 (quoting *Lapomarda v. Skibinski*, No. 2:09-cv-00377-DBH, 2009 WL 4884500, at *3 n.2 (D. Me. Dec. 10, 2009)). The same can be said of language harassing an inmate due to his mental health conditions. On this point, the Court acknowledges it has only Mr. Van Dam’s allegation, not the responses of the corrections officers, and in screening Mr. Van Dam’s Complaint, the Court assumes the truth of the allegations. If the corrections officers are engaged in this harassment, this order does not condone their alleged statements. The order only concludes that the allegations are not sufficient to establish a wrong of constitutional magnitude.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge (ECF No. 2) is hereby AFFIRMED.
2. It is further ORDERED that the Plaintiff’s Complaint (ECF No. 1) be DISMISSED without prejudice.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 28th day of June, 2022